**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No. 6135 of 2006**
**Date of decision : 21.11.2006**

Mohan Parkash

.....Petitioner.

Versus

Amarjit Singh

.....Respondent.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr. Chetan Mittal,Advocate
for the petitioner.

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**VINOD K. SHARMA,J.( ORAL )**

By way of present revision petition the petitioner has challenged the order passed by the learned Courts below ordering the ejectment of the petitioner on the ground of personal necessity of the respondent landlord.

The learned Courts below on appreciation of evidence have come to the conclusion that the need of the landlord was genuine as he wanted to expand his business and, therefore, needed the premises in dispute for his own personal need.

The learned counsel for the petitioner contends that the appellate authority was wrong in rejecting the application moved by the petitioner for leading additional evidence to show that there was a compromise between the parties on 28.3.1996, in pursuance to which a part of the tenanted premises measuring 3 ½ x 12 feet adjoining the disputed premises was handed over to the landlord for running the tailoring business.

I have gone through the order passed by the learned appellate authority and find that the learned appellate authority has rightly

come to the conclusion that the application for additional evidence could not be allowed as the facts sought to be proved by way of additional evidence were not pleaded in the rent petition. Even otherwise, the learned appellate authority has rightly come to the conclusion that due to the changed circumstances the said compromise could not be said to be binding.

The learned Rent Controller as well as the Appellate Authority on appreciation of evidence have rightly come to the conclusion that the need of the respondent landlord was genuine and bona fide and ordered the ejectment of the petitioner from the shop in dispute.

Thus, there is no error in exercise of revisional jurisdiction by the learned Courts below which may call for interference by this Court.

Dismissed.

The learned counsel for the petitioner prays that as he is running business in the demised premises he may be granted six months time to vacate the same. The request of the learned counsel for the petitioner is accepted subject to condition(s) :-

(i) That the petitioner would file an undertaking in this Court within 15 days from today undertaking therein to hand over the vacant possession of the premises to the respondent landlord on or before 31.5.2007.

(ii) That the petitioner shall clear all the arear of rent within a period of one month and continues to pay the future rent during this period in advance by 10 th of each month.

21.11.2006 **( VINOD K. SHARMA )**
**'sp'** **JUDGE**